

Whi.e Engaged in Paper Chases Members of the Club Take Chances of Injury and Cannot Recover Damages.

While engaged in paper chases, mem-bers of the Portland Hunt Club must take the chances of being run over by each other, and cannot recover damages for any injury resulting. It is merely an ac-client. This seems to have been the conclusion reached by the jury yesterday in the suit of C. B. Williams against James Nicol for \$20,750 damages. The jury deliberated on the case but a few minutes, and

returned a verdict in favor of the de-fendant. Only two ballots were taken. For the defense, F. J. Patterson, a tallor, testified that he saw the race. He observed Nicol riding on the bicycle path and heard him yell, "For heaven's sake, get out of the way."

Nicol appeared to be trying to hold his horse, and the animal acted as if it was beyond his control. Williams stood near the goal looking away from the horses, which were behind. There was nothing to prevent Williams from seeing Nicol as he approached. 'Lue witness said after the collision Nicol was thrown from his house and dragged a short distance. Nicol did

not stand any chance of winning the race. J. C. Muche, receiving teller at the First National Bank, restified that he was a spectator and knew of no reason why Williams should not have heard the cry of warning and stepped out of the way Nicol had no chance of winning the race, and appeared to be trying to hold his horse in. Muche snid that he had time to get out of the way and rescue a little girl after Nicol gave the warning cry. Nicol testified in his own behalf that the

horse he was riding got beyond his con-trol. He said he was too far behind to think of winning the race, and was not trying to do so. He called to Williams to et out of the way. Nicol said the acci-ent, so far as he was concerned, was unavoidable, and he was sorry it happened.

Other witnesses called were R, H. Jenkins, Dr. William McLean and J. P. Smith, The attorney for the defense, in address-ing the jury, stated that it was an unfortunate occurrence, and not a case where a verdict of damages should be re-turned against Nicol. Recalling his boy-hood days, he said: "I know something about farm horses. I remember riding a horse bareback, racing with neighbor boys. I came to a pince where my father was scouring a plow, and as I passed along came a flock of blackbirds. My horse dodged and I went on over his héad and my right arm was dislocated. It was a simple accident, no one to blame." R. A. Leiter also made an argument based on the guidence showing that Nicol

based on the evidence, showing that Nicol was not to ...ame. For the defense, Attorney James Glea

son said in part: "This controversy could not be settled by the parties to it, conse-quently the aid of the courts was in-voked. They were all anxious to win the race, and we have seen newspaper con-troversies occur over these events. While it is a tempest in a teapot to the world at large, it is a matter of great importance to these people, in their little world. They were to race in the road, and not on the bicycle path. They say Nicol deplored the accident, but he was never sorry from a financial standpoint."

The instructions by Judge Frazer were impartial, and the jury was out only a few

SENTENCED FIVE YEARS EACH. J. W. Smith and Albert Lyman to

Serve Term for Robbery. W. Smith and Albert Lyman,

of wheat and flour would, in the end, prove more valuable if advertised , and prove more variance it according and pushed for pastry purposes in Eastern and other markets rather than a bread flour. He suggested putting up the flour in small packages for family use with this object in view. I am offering this simply as a suggestion as I know you are glad to receive ideas whether they prove val-uable or not." While we have no data relative to the quality and the general character of this wheat 50 years ago, it is altogether prob-able that the wheat is fully as good at Conferences Suspended.

The conferences between Superintendent

Dr E B McDoniel, Baker City J F Nibley, do G D Ferron, wf & dau, G D Farron, wf & dau, G D Farron, wf & dau, G D Farron, wf & dau, Canton, China THE PERKINS. M Tunkeon, Win C D Darrah, Chicago Ray Davis, do G Btake, S F B R Hill, Seattle J E Verdin, Granzis F C W Henderson, S F J F Graham, Arlingtn W W W Salvard, Or J A Hickett, Goldendl J E Verdin, Granzis F C W Henderson, S F J F Graham, Arlingtn W H Wahrung, Hillab J C Baker, Junction C Mrs W H Wehrung, do Tom Williams, do J R Upson, St Paul Miss Nina Lewist, Aberdeen Miss Stra Lowis, do Sherman Hayes, Pendi C C Mills, Salem C W W E Asteiner, do Sherman Hayes, Pendi Mrs T T Geer, Salem John Patterson, Dalles D B Brown, do Mrs Dobson, Chehalls G T Kent, N Yambill T B Sumner, Everett Mrs Claude, Oregon Cy H A Glep, Derver E D Johnson, eity J W Wilson, Ilwaco Robt Gibson, Astoria B Veal, Albany A Osterman, Chicago Mrs Osterman, Chicago F L Brumby, Cottage Grove B Keiter, Milwaukie C A Burns, S F C P Davis, Lewiston, Mrs E S Allen, Ala-Mrs Davis, do A Caraon, Balem
A Caraon, Balen
A Caraon, Balem
A C R. & N. C Graham, Marshiand W W Ector, do. Mrs C Graham, do J C Folmer, Lox, Wis rall lines and the committee of engineers and firemen were suspended yesterday for the present. Mr. O'Brien made a counter proposition in regard to the revision of THE ST. CHARLES. T C Waits, Reuben, Or J W Peck, Eigin, III J C Huliett, Bildgrefeld Chask Coburn, do F W Harris, Hoquiam Lars Larson, do G E Byrnes, Keiso H A Jensen, Ostrander G E Byrnes, Keiso H C Hilleary, S Bend H C Hilleary, S Bend H C Hilleary, S Bend J Clein, city O W Astell, Moro, Or M S Woyt, do J H Metzger, Grenham Thos Harian, White C R Adams, Scholl's Mrs C R Adams, Minn J S Miller, Wash R H Hardman, Minn Mrs W Meyer, Minn the wage schedule and the committee has taken it under consideration. Further conferences will be held when the com-mittee has decided whether this proposi-Further THE IMPERIAL THE IMPERIAL Josie Maring, Alb'r Geo Darvesns, Pendit J W H Jones, Fisco M P Waison, Reaside P B Brown, San Fran I A Jette, do Mrs Brown, do Mrs Brown, do Heney, Tacoma Seattle H C Varney, Tacoma Seattle H T Bunker, Chebalis J E Band, Hood River Bookkeeper Charged With Theft. EVERETT, Wash., May 11.-Angus Bu-chanan, alleged absconding bookkeeper, now under arrest here on a charge of stealing from Contractor McKenzie, will be charged with making away with \$7000. His former employer believes his erst-while bookkeeper has cached consider-

men convicted last week bing J. W. Collins on March 22, at the corwere sentenced by Judge Frazer to five years each in the penlientiary.

Dan A. Murphy, attorney for the prisoners, presented a motion for a new trial, which the court promptly overruled. In pronouncing sentence Judge Frazer stated that the men had a fair and impartial trial, and he saw no reason why he should interfere with the verdict of the jury. Attorney Murphy asked and was allowed 20 days' time to file a bill of excepto be used in an appeal to the Su-

preme Court. Lyman and Smith were arrested at Astoria by Sheriff Linville, and Lyman jumped from a train while on his way to Portland in quatody of Detectives Kerigan and Snow. The men were taken to the penitentiary last night by Sheriff Storey.

#### TO RECOVER GIFTS OF MONEY.

## Administratrix of John A. Kuck's Estate Sues Anna Gourley.

Augusta Zeller, administratrix of the estate of John August Kuck, deceased, yesterday filed suit against Anna Gourley to recover gifts of money derived from the sale of Kuck's real property; that the same be declared void as to the domand of creditors, and ordered given into the pos-session of the administratrix.

The compiaints sets forth that Kuck gave Mrs. Gourley all of the proceeds of the sale amounting to \$9000. It is stated that this gift comprised all of Kuck's available assets and was made without consideration, and to the defrauding of the rights of creditors. Mrs. Zeiler holds a claim for \$822.

#### SHOT COST HIM FIFTY DOLLARS.

## D. J. Hawley Is Fined for Firing

Shotgun at Small Boys. A fine of \$30 was imposed by Judge Sears yesterday on D. J. Hawloy, an old man who discharged a shotgun at three little Louis and Ernest Linden sind Charles Darrow. The jury which tried the case compromised matters by returning a verdict of assault and battery instead of version of assault and battery instead of assault with a dangerous wrapon, and the court consequently was in a position to impose a light penalty. Hawkey cried when he stood before the Judge, and ap-peared to be very penitent. His brother, G. W. Hawley, a minister, who came here from Nebraska to attend the trial, paid the fine.

## Decides Against Schneider.

The demurrer to the petition of D. W. Butler and a number of others to have the license of Captain Herman Schneider to sell liquors at Montavilla revoked, was Solumeider denies this, but his attorney guire into the matter now, and that those who oppose Schneider anout in. About 9000 emission of incenoverruled by County Judge Web-ster yesterday. The petitioners allege that some of the signers to Schneider's peti-tion, which he flied in November, 1902 are

who oppose Schneider should have ap-peared in court when he applied for a losnse, and remonstrated. That not having done so, they have no remedy at this

The court thought otherwise, and Behnelder will be allowed to prove that he has enough legal signers, or he may carry the case to the higher courts on the lazal goints involved. He paid the

present as it was then JAMES WITHTCOMBEL

# TELEGRAPHIC BREVITIES.

Half the business district of Austin, Ark.,

burned yesterday; loss, \$20,000. A Guarnerius violin worth \$5000 has been pawned in Chicago for \$25. Henry C. King has been installed as president of Oberlin, O., College.

Anthony Finis, the explorer, has sailed for Norway on his way to the Arctic. A number of Spanish priests expelled from France are in New York on their way to Mexico.

French imports for the past four months increased \$1,55,000, and the exports in-creased \$2,65,000.

The pope has created Martin Maloney, of Philadelphia, a marguis because of his iciphia, a marquis because of his church offerings. Dr. Schlamp, a prominent German wine-

grower, has been fined \$3375 for adultera-Mischevious boys caused a street-car col-

lision in New York, which resulted in injuries to 12 people.

men, toliers and producers." The truth is that the classes which Mr. Edward De Rosa, a t-year-old New York boy, was trampled to death by a crowd of boys chasing one another. The truth is that the classes which Mr. Cowglil has referred to in particular who have given the subject any serious

have, given the subject any serious thought are of the opinion that the port-age road would do a great amount of good, and would be but a very light tax on any individual toiler or produce. The portage at the Cascade Locks built by the state about ten years ago proved to be an immense benefit not only to the of Boys channe one another. P. L. Germond, the son of a prominent Wilkesharre, Pa., pastor, has been arrest-ed in New York for passing forged checks. The case of Curtis Zett, charged with the assassination of Lawyer Macrum, of Kentucky, has been continued until lung 4.

be an immense benefit, not only to the producers and consumers in the neigh-borhood of The Dalles, but the low freight Miss Margaret Crane, of Waterbury, Conn., was waylaid by robbers while on her way to a singing school and seriously rates which immediately went into ef-fect at that time extended to the terri-Injured.

tory east and south of The Dalles for 250 to 300 miles. A portage at The Dalles would benefit the greater part of Eastern tory 250 t Hilton Hayden, ex-Treasurer of West La Fayette, Ind., who was recently found to be short in his accounts about \$15,000, Oregon

would benefit the greater part of Eastern Oregon. These assertions can be proved by the testimony of hundreds of people living in the locality referred to, scattered over hundreds of square miles, who knew just what freight rates they pail before and after the former shale portage was put in. The United States Government granted the right of way, or privilege, at least, of using the narrow strip of ground nec-easary to hay two ralls of iron on at the Cascade Locks where the passage was exceedingly narrow, and it will no doubt do the same thing at The Dalles, when the application is put in to the proper au-thorities, and by the right parties. These rights, however, will never be secured if laft to those whose interest it is to have

Hamburg this week for transportation to the United States. Extra steamers have been put on for the accommodation of the emigrants.

Princeton undergraduates have decided

James P. O'Brien, of the O. and what are his particular motives in opposing this measure? What commu-nity of interest is there between the Eddy corporation law and the portage railroad bill, and why should one be attached to the other? Why should mining mon be in-terested in defeating the portage railway bill, or why should the persons who are opposing the portage railway bill be in-terested in defeating the Eddy corpora-tion bill? Do the promoters of this scheme tion is acceptable.

tion out 250 the promoters of this scheme imagine that the people have been or will be deceived in this matter? Will Mr. Cowgill furnish an itemized statement of the persons who have contributed funds to his expenses, and how many leading and reputable mining men in this sec-tion have subscribed to that fund? For one, I protest sgainst Baker County being placed in any such folse recettion being placed in any such false position and being misrepresented all over the state on this particular question. The conservative, substantial mining inter-ests have long been convinced that it is far better to submit to the provisions of the Eddy bill than to arouse and antag-oniae public option and run the scenation

onige public opinion a of future legislation. lic opinion and run the s MINER.

# VALUE OF A PORTAGE ROAD.

Great Benefit to Producers of Eastera Gregon.

THE DALLES, Or., May 12-(To the Editor.)-I notice another one of W. C. Cowgill's letters in the Sunday Oregonian intended to prejudice the minds of some people in favor of the referendum to kill the proposed portage railroad bill.

The letter referred to does not seem to indicate the writer to be a fair-minded or temperate man, as the most of his statements are radical and erroneous, and The sil5,000 plant of the Atlas Glass & Metal Company at Washington, Pa., has been destroyed by fire. William E. Congdon, a wealthy Chicago lumber dealer, committed suicide yester-day, in a fit of despondency. Archbishop Kain, of St. Louis, who is in a Talitimore sanitarium, is reported to be improved grantly already. Edward De Ross. a Toronet to a suice the same that the board of basis of the same that the source the same that the state Legislators were a bad lot, con-spiring for the bad of the people. He evidently also thinks that the Board of Trade of Portland doesn't know as much as he, and it is, therefore, up to him to look after the interests of the "business men, toliers and producers."

Second Reading of Dock Bill,

LONDON, May 13.-The House of Com-mons today passed the second reading of the London dock bill, which was referred to a joint committee of the House of Lords and House of Commons.

Everett Preparing for President. EVERETT, Wash., May 11 .- Stands are being erected, and other preparations made for the coming of President Roosevelt on May 23.

### AT THE HOTELS.

THE PORTLAND. Stitt, Chicago Y Causey, N Y Y Causey, N Y Y Hughes, Los An Y Fenn, do Y Thompson, Case C W Thompson, Gameon, do Bloch, do Hirshfeid, do A Klackwell, do T Peter, do A Cornelius, Charo Walther, do W Carroll, N T Yocht, Germany Cameron wf & day Chago A A A B Mrs R A Mrs A C Mrs A C Lake City Lake City Lake City B & W F & Larren. Mu W F Wellaren. Na W F Wellaren. Na T Mulligan. N Y H B James. H Mitches H Mitches C Cameron, wf & dau Ontario C D Burns, S F W Rothermel, S F Hos W P McLaren, Milwaukee G I McLaren, Seattle B Thompson, London SF

Hotel Brunswick, Senttle European plan, popular rates. Modern depot.

Duluth D Hall, city

Tacoma Hotel, Tacoma American plan. Rates, \$3 and up.

Hotel Donnelly, Tacoma. First-class restaurant in connect

Rainier Grand Hotel, Seattle. European plan. Finest cafe on Coast, Hdgrs. naval, military and traveling men, Rooms en suite and single. Free abover baths. Rates. 11 up. H. P. Dunbar, prop.



Mixes Another Official Up in Scandal, VICTORIA, B. C., May 11.-W. C. Wells, Commissioner of Lands and Works, com-

pleted his evidence today at the investi-gation into the South Kootenal land scandal. Mr. Wells inferred that the Attorney-General was at the bottom of the

able funds in this city, and a search will

be made for it.

Logs Rolled on Them.

EVERETT, Wash., May 13.-August Sneistrom and his 30-year-old son were injured so badly about their hips today by two logs rolling from a wagon they were loading that slight hopes are en-tertained for their recovery.

# Dump Sawdust in the Bay.

EVERETT, Wash., May 13,-Everett's City Attorney says he intends issuing warants at once for the arrest of prominent millmen persisting in dump-ing sawdust in the bay, contrary to Government rule.